

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ALICE KRAMER, as Personal Representative of
the Estate of Arthur Kramer,

Plaintiff,

- against -

LOCKWOOD PENSION SERVICES, INC., TALL
TREE ADVISORS, INC., LIFE PRODUCTS
CLEARING, LLC, TRANSAMERICA
OCCIDENTAL LIFE INSURANCE CO., PHOENIX
LIFE INSURANCE CO., LINCOLN LIFE &
ANNUITY CO. OF NEW YORK, AND
JONATHAN S. BERCK,

Defendants.

Case No. 08 CV 2429
(DAB)(MHD)

NOTICE OF MOTION

-----X
PHOENIX LIFE INSURANCE CO.,

Third-Party Plaintiff,

- against -

STEVEN LOCKWOOD,

Third-Party Defendant.
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PLEASE TAKE NOTICE, that upon the accompanying memorandum of law, and upon all prior pleadings and proceedings heretofore had herein, defendants Lockwood Pension Services, Inc. and Tall Tree Advisors, Inc. will move this Court before the Hon. Deborah A. Batts, at the United States Courthouse, 500 Pearl Street, New York, New York, on such date as designated by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Amended Complaint as against them, and for such other and further

relief as may be just and proper.

Dated: July 7, 2008

ROSENFELD & KAPLAN, LLP.

By:



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Steven Lockwood